CWP No.318/2003.

18.5.2007 Present: Mr. J.L. Kashyap, Advocate for the petitioner.

Mr. N.K. Sood, Advocate for the respondent.

The present petition is directed against the appellate order dated 6th September, 2002 affirming the order passed by the Estate Officer on 14th October, 1992.

Admittedly, after the order dated 14th October, 1992, passed by the Estate Officer, fresh agreement was entered into between the parties on 24th November, 1992 upto 23rd November, 1995. It is not disputed by the parties that the licensee has been paying the fee regularly and the Railway Administration has accepted a sum of Rs.4,635/- upto 31st December, 2008.

The Railway Administration has entered into fresh agreement with the licensee and thereafter had been accepting the licence fee from the respondent regularly. Now, if the licensee is to be evicted from the premises, it has to be in accordance with law i.e. by issuing fresh notice under Section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. Accordingly, with consent of the parties the judgment dated 6th September, 2002 is quashed and set aside. The Estate Officer is directed to issue fresh notice to the licensee strictly as per Section 4 of the Act. Needless to add that the respondent can take all the pleas available to him during the course of the proceedings. The Estate Officer is directed to complete the proceedings within a period of six months. Till then the respondent will not be dispossessed.

May 18, 2007. (Rajiv Sharma)
(sck) Judge